

1 **ELECTION CHANGES**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Daniel McCay**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code relating to a regular primary election.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ shortens the period for filing a notice of intent to gather signatures to qualify for
13 placement on the regular primary election ballot.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **20A-9-408**, as last amended by Laws of Utah 2016, Chapter 28

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **20A-9-408** is amended to read:

24 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
25 **political party.**

26 (1) This section describes the requirements for a member of a qualified political party
27 who is seeking the nomination of the qualified political party for an elective office through the



28 signature-gathering process described in this section.

29 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
30 candidacy for a member of a qualified political party who is nominated by, or who is seeking
31 the nomination of, the qualified political party under this section shall be substantially as
32 described in Section 20A-9-408.5.

33 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
34 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
35 nomination of the qualified political party for an elective office that is to be filled at the next
36 general election shall:

37 (a) within the period beginning on [~~January 1 before the next regular general election~~
38 ~~and ending on the third Thursday in March~~] the first business day in January of an
39 even-numbered year and ending on the fifth business day in January of the same year, and
40 before gathering signatures under this section, file with the filing officer on a form approved by
41 the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

42 (i) the name of the member who will attempt to become a candidate for a registered
43 political party under this section;

44 (ii) the name of the registered political party for which the member is seeking
45 nomination;

46 (iii) the office for which the member is seeking to become a candidate;

47 (iv) the address and telephone number of the member; and

48 (v) other information required by the lieutenant governor;

49 (b) file a declaration of candidacy, in person, with the filing officer on or after the
50 second Friday in March and before 5 p.m. on the third Thursday in March before the next
51 regular general election; and

52 (c) pay the filing fee.

53 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
54 party who, under this section, is seeking the nomination of the qualified political party for the
55 office of district attorney within a multicounty prosecution district that is to be filled at the next
56 general election shall:

57 (a) [~~on or after January 1 before the next regular general election, and before gathering~~
58 ~~signatures under this section~~] within the period beginning on the first business day in January

59 of an even-numbered year and ending on the fifth business day in January of the same year, file
60 with the filing officer on a form approved by the lieutenant governor a notice of intent to gather
61 signatures for candidacy that includes:

62 (i) the name of the member who will attempt to become a candidate for a registered
63 political party under this section;

64 (ii) the name of the registered political party for which the member is seeking
65 nomination;

66 (iii) the office for which the member is seeking to become a candidate;

67 (iv) the address and telephone number of the member; and

68 (v) other information required by the lieutenant governor;

69 (b) file a declaration of candidacy, in person, with the filing officer on or after the
70 second Friday in March and before 5 p.m. on the third Thursday in March before the next
71 regular general election; and

72 (c) pay the filing fee.

73 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
74 who files as the joint-ticket running mate of an individual who is nominated by a qualified
75 political party, under this section, for the office of governor shall submit a letter from the
76 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
77 mate.

78 (6) The lieutenant governor shall ensure that the certification described in Subsection
79 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
80 under this section.

81 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
82 is nominated by a qualified political party under this section, designate the qualified political
83 party that nominated the candidate.

84 (8) A member of a qualified political party may seek the nomination of the qualified
85 political party for an elective office by:

86 (a) complying with the requirements described in this section; and

87 (b) collecting signatures, on a form approved by the lieutenant governor, during the
88 period beginning on [~~January 1~~] the first business day in January of an even-numbered year and
89 ending 14 days before the day on which the qualified political party's convention for the office

90 is held, in the following amounts:

91 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
92 permitted by the qualified political party to vote for the qualified political party's candidates in
93 a primary election;

94 (ii) for a congressional district race, 7,000 signatures of registered voters who are
95 residents of the congressional district and are permitted by the qualified political party to vote
96 for the qualified political party's candidates in a primary election;

97 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
98 residents of the state Senate district and are permitted by the qualified political party to vote for
99 the qualified political party's candidates in a primary election;

100 (iv) for a state House district race, 1,000 signatures of registered voters who are
101 residents of the state House district and are permitted by the qualified political party to vote for
102 the qualified political party's candidates in a primary election;

103 (v) for a State Board of Education race, the lesser of:

104 (A) 2,000 signatures of registered voters who are residents of the State Board of
105 Education district and are permitted by the qualified political party to vote for the qualified
106 political party's candidates in a primary election; or

107 (B) 3% of the registered voters of the qualified political party who are residents of the
108 applicable State Board of Education district; and

109 (vi) for a county office race, signatures of 3% of the registered voters who are residents
110 of the area permitted to vote for the county office and are permitted by the qualified political
111 party to vote for the qualified political party's candidates in a primary election.

112 (9) (a) In order for a member of the qualified political party to qualify as a candidate
113 for the qualified political party's nomination for an elective office under this section, the
114 member shall:

115 (i) collect the signatures on a form approved by the lieutenant governor, using the same
116 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

117 (ii) submit the signatures to the election officer no later than 14 days before the day on
118 which the qualified political party holds its convention to select candidates, for the elective
119 office, for the qualified political party's nomination.

120 (b) An individual may not gather signatures under this section until after the individual

121 files a notice of intent to gather signatures for candidacy described in this section.

122 (c) An individual who files a notice of intent to gather signatures for candidacy,
123 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
124 the notice of intent to gather signatures for candidacy:

125 (i) required to comply with the reporting requirements that a candidate for office is
126 required to comply with; and

127 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
128 apply to a candidate for office in relation to the reporting requirements described in Subsection
129 (9)(c)(i).

130 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
131 election officer shall, no later than one day before the day on which the qualified political party
132 holds the convention to select a nominee for the elective office to which the signature packets
133 relate:

134 (i) check the name of each individual who completes the verification for a signature
135 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

136 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
137 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

138 (iii) determine whether each signer is a registered voter who is qualified to sign the
139 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature
140 on a petition;

141 (iv) certify whether each name is that of a registered voter who is qualified to sign the
142 signature packet; and

143 (v) notify the qualified political party and the lieutenant governor of the name of each
144 member of the qualified political party who qualifies as a nominee of the qualified political
145 party, under this section, for the elective office to which the convention relates.

146 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
147 this section, the lieutenant governor shall post the notice of intent to gather signatures for
148 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
149 posts a declaration of candidacy.

Legislative Review Note
Office of Legislative Research and General Counsel